

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 266 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

THAKKAR NATVARLAL KESHAVLAL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MID PATEL for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 04/02/97

ORAL JUDGEMENT

Rule. Ms. Promila Safaya, learned Standing Counsel for Central Government waives service of notice of rule on behalf of the respondent.

At the request of learned Advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Article 226 of the Constitution, the petitioner has prayed to direct the respondent to accept the application of the petitioner made for correction of the place of birth from Ahmedabad to Bakrol.

The petitioner was granted Passport by the respondent. According to the petitioner, his place of birth is Bakrol but place of birth of the petitioner was mentioned to be Ahmedabad through mistake. The petitioner has claimed that the School Leave Certificate dt. January 8, 1985 as well as Birth Certificate issued by the competent authority under the provisions of Birth and Death Registration Act, 1969 indicate that the place of birth of the petitioner is Bakrol. The petitioner has averred that the petitioner had made necessary application to the respondent for issuance of fresh Passport indicating that place of birth of the petitioner is Bakrol but the said application is not entertained by the respondent. Under the circumstances, the petitioner has filed present petition and claimed relief to which reference is made earlier.

In support of averments made in the petition, the petitioner has produced School Leave Certificate at Annexure B to the petition which shows that the place of birth of the petitioner is Bakrol. Similarly, Birth Certificate issued by the competent authority which is produced at Annexure C to the petition also indicates that the place of birth of the petitioner is Bakrol. Under the circumstances, following direction is issued :-

The respondent is hereby directed to act upon School Leave Certificate and Birth Certificate produced by the petitioner and process the issuance of fresh Passport in accordance with law and procedure which the respondent is required to follow.

Rule is made absolute to the aforesaid extent with no order as to costs. Direct service is permitted.
